

residence on the reserve. In fact, in most communities there is crowding in the existing housing. Even though the bands have been fair in providing housing on the reserves, to then impose on the community additional residents who would have the right to move directly on to the reservation would cause chaos in most bands. What we are attempting to do in this clause is to offer the bands a fundamental right, one which exists across Canada, to an orderly and well-planned system which is fair to the people who live in the community.

Many of us in committee who examined this question have said it is right and proper that those people presently on a waiting list ought to be looked after as quickly as possible by the Government and the band before the new residents move in and put themselves on the list. This clause as it now stands allows that right to the band chief and council, and I think that is very important. So I would reject this amendment as well.

Mr. Deputy Speaker: Is the House ready for the question?

Some Hon. Members: Question.

Mr. Deputy Speaker: The question is on Motion No. 32. Is it the pleasure of the House to adopt the motion?

Some Hon. Members: Agreed.

Some Hon. Members: No.

Mr. Deputy Speaker: All those in favour please say yea.

Some Hon. Members: Yea.

Mr. Deputy Speaker: All those opposed please say nay.

Some Hon. Members: Nay.

Mr. Deputy Speaker: In my opinion the nays have it.

And more than five Members having risen:

Mr. Deputy Speaker: Pursuant to Standing Order 79(11), the recorded division on the proposed motion stands deferred.

The next grouping includes Motions Nos. 33 and 33A.

Mr. Jack Shields (Athabasca) moved:

Motion No. 33

That Bill C-31, be amended by adding immediately after line 22 at page 17 the following:

"15.1(1) Paragraph 81(r) of the said Act is repealed and the following substituted therefor:

"(r) the imposition on summary conviction of a fine not exceeding one thousand dollars or imprisonment for a term not exceeding thirty days, or both, for violation of a by-law made under this section.

(2) Section 81 of the said Act is renumbered as subsection 81(1).

(3) Section 81 of the said Act is further amended by adding thereto the following subsections:

(2) Where any by-law of a band is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

Indian Act

(3) Where any by-law of a band passed is contravened, in addition to any other remedy and to any penalty imposed by the by-law, such contravention may be restrained by action at the instance of the band council."

15.2 Section 82(2) of the said Act is repealed and the following substituted therefor:

"(2) A by-law made under section 81 comes into force 40 days after a copy thereof is forwarded to the Minister pursuant to subsection (1) but the Minister may declare the by-law to be in force at any time before the expiration of that period."

Hon. David Crombie (Minister of Indian Affairs and Northern Development) moved:

Motion No. 33A

That Bill C-31, be amended

(a) by adding immediately after line 22 at page 17 the following:

"16. The said Act is further amended by adding thereto, immediately after section 85 thereof, the following section:

"85.1 (1) Subject to subsection (2), the council of a band may make by-laws

(a) prohibiting the sale, barter, supply or manufacture of intoxicants on the reserve of the band;

(b) prohibiting any person from being intoxicated on the reserve;

(c) prohibiting any person from having intoxicants in his possession on the reserve; and

(d) providing for exceptions to any of the prohibitions established pursuant to paragraph (b) or (c).

(2) A by-law may not be made under this section unless it is first assented to by a majority of the electors of the band who voted at a special meeting of the band called by the council of the band for the purpose of considering the by-law.

(3) A copy of every by-law made under this section shall be sent by mail to the Minister by the chief or a member of the council of the band within four days after it is made.

(4) Every person who contravenes a by-law made under this section is guilty of an offence and is liable on summary conviction

(a) in the case of a by-law made under paragraph (1)(a), to a fine of not more than one thousand dollars or to imprisonment for a term not exceeding six months or to both; and

(b) in the case of a by-law made under paragraph (1)(b) or (c), to a fine of not more than one hundred dollars or to imprisonment for a term not exceeding three months or to both.

17. Sections 94 to 100 of the said Act are repealed and the following substituted therefor:

"OFFENCES"

18. Subsection 103(1) of the said Act is repealed and the following substituted therefor:

"103. (1) Whenever a peace officer, a superintendent or a person authorized by the Minister believes on reasonable grounds that an offence against section 33, 85.1, 90 or 93 has been committed, he may seize all goods and chattels by means of or in relation to which he believes on reasonable grounds the offence was committed."

(b) and renumbering the subsequent Clauses accordingly.

Mr. John A. MacDougall (Timiskaming): Mr. Speaker, I have an amendment to Motion No. 33, which reads as follows:

That Motion No. 33 be amended:

(a) by deleting all the words after the word "by" in the second last line of the proposed new Subsection 81(3) and substituting the following therefore

"court action at the instance of the band council."

(b) by deleting the proposed new Clause 15.2.

Mr. Jack Shields (Athabasca): Mr. Speaker, Motion No. 33 would amend Bill C-31 to accomplish three particular objec-